



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

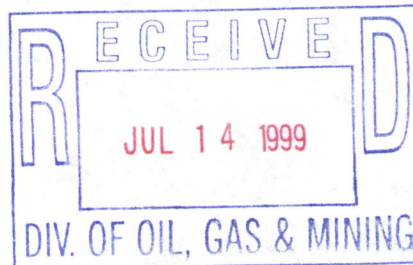
Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119

IN REPLY REFER TO:

3809
U-72296
(UT-023)

JUL 13 1999

Certified Mail Number #Z 155 816 014
Return Receipt Requested



Mr. William Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087

Dear Mr. Bown:

On May 28, 1999, Utah Building Stone Supply (UBSS) had established a Record of Noncompliance for constructing an unauthorized "privy" on the Dove Creek mill site and for UBSS's failure to stockpile topsoil at the mill site located in Section 12, T. 12 N., R. 15 W. (UMC 364712).

On June 21, 1999, you received notification from this office that UBSS would be required to file a Plan of Operations (Plan) and post a bond for 100% of the estimated costs to reclaim the disturbed areas prior to the onset of any additional operations in the Grouse Creek area. On June 23, 1999, we received your response to our request for a Plan. In that letter, you questioned the need for UBSS to specifically identify to the Bureau of Land Management (BLM) those areas where mineral extraction activities would occur, particularly regarding the talus slides.

Surface management regulations at 43 CFR 3809.1-5 require that a Plan shall include:

1. The name and mailing address of the operator;
2. A map, preferably a topographic map, or sketch showing existing and/or proposed routes of access, aircraft landing areas, or other means of access, and size of each area where surface disturbance will occur;
3. When applicable, the name of the mining claim(s) and mining claim serial numbers assigned to the mining claim(s) recorded pursuant to subpart 3833 of this title;
4. Information sufficient to describe or identify the type of operations proposed, how they will be conducted and the period during which the proposed activity will take place;

5. Measures to be taken to prevent unnecessary or undue degradation and measures to reclaim disturbed areas resulting from the proposed operations, including the standards listed in 3809.1-3(d) of this title (referring to Notices). Where an operator advises the authorized officer that he/she does not have the necessary technical resources to develop such measures the authorized officer will assist the operator in developing such measures. If an operator submits reclamation measures, the authorized officer will ensure that the operator's plan is sufficient to prevent unnecessary or undue degradation. All reclamation measures developed by the operator, or by the authorized officer in conjunction with the operator, shall become a part of the plan of operations; and
6. Measures to be taken during extended periods of nonoperation to maintain the area in a safe and clean manner and to reclaim the land to avoid erosion and other adverse impacts. If not filed at the time of plan submittal, this information shall be filed with the authorized officer whenever the operator anticipates a period of nonoperation.

The BLM is required to prepare an Environmental Assessment (EA) for all Plans received. During the preparation of the EA, resource specialists are required to provide detailed analysis of the affected environment of the proposed activity, and determine the adequacy of mitigating measures and reclamation procedures included in the Plan to insure the prevention of unnecessary or undue degradation of the land. For this reason and the outlined items above, the BLM must know precisely where UBSS proposes to conduct their activities.

According to the map prepared by the Utah Division of Oil, Gas and Mining (UDOGM) for proposed mining activities in the Grouse Creek area (UBSS has a copy), and the location of UBSS's placer mining claims, UDOGM has measured the acreage of the talus slides that occur on Public Lands as follows:

	Acres
Golden Eagle #2	20.9
Golden Eagle #4	6.5
Golden Eagle #7	5.5
Rusty Rock	<u>5.9</u>
Total	38.80 Acres

If UBSS is proposing to operate on all of the talus slides shown on UDOGM's map, the 38.80 acres must be a part of UBSS's Plan. In addition, most of the talus slides shown on UDOGM's map do not show a designated access route to each individual slide area. Any new proposals to construct access routes between individual talus slides, or to travel cross-country to reach each slide must be indicated in the submitted Plan. We understand that the talus slides would not likely be reclaimed or need to be bonded, however there may be ancillary surface disturbance and/or possible erosion associated with building stone removal in those areas. Bonding would be required for any reclamation that may be identified through the preparation of the EA.

In addition, UDOGM identified areas on their map where UBSS had agreed to reclaim specific access roads, and where mining-related access roads would remain for use by UBSS. An inspection of the Grouse Creek area was conducted by BLM staff on June 29, 1999. During the inspection, it was revealed that only a small portion of the required access road reclamation had been completed, specifically, in the southern portion of the claim block in the S½ of Section 3, the NE¼ of Section 10 and the NW¼ of Section 11, T. 12 N., R. 17 W. The remaining acreage that UBSS agreed to reclaim includes 5.65 acres of Public Land. Because the reclamation of these roads has not been completed to date, the associated acreage must be included in UBSS's submitted Plan. The mining-related access roads (mine plan roads) on Public Land that are shown on UDOGM's map identified for use by UBSS total 1.83 acres. This acreage should also be included in the submitted Plan.

In summary, UBSS's Plan should identify specific areas where building stone is proposed for removal from talus slides, and any other sites where new access routes or staging areas may be required to conduct operations on Public Land. Please provide the requested information within 30 days of receipt of this letter, or we will consider UBSS's Plan to be withdrawn. If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

GLENN A. CARPENTER

Glenn A. Carpenter
Field Manager

Enclosure

cc: D. Wayne Hedberg
Division of Oil, Gas and Mining